

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 16, 2009

DIVISION TWO

B201290 People (Not for Publication)
v.
Navarro et al.

The judgments are affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B208003 Munroe (Not for Publication)
v.
Civil Service Commission County of Los Angeles
Los Angeles County Department of Public Works

The judgment granting the writ of mandate is reversed. Each party to bear its own costs of the proceeding.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B210445 Los Angeles County, D.C.F.S. (Not for Publication)
v.
C.C.

The orders are affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B203251 Superior Property of Carson, LLC (Not for Publication)
v.
Regency Outdoor Advertising, Inc., et al.

The judgment is reversed in part and affirmed in part. The matter is remanded to the trial court with directions to enter a judgment in Superior's favor in the amount of the back rent on the Billboard, against which defendants are entitled to a full credit for the rent amounts tendered, and a calculation of prejudgment interest to which Superior is entitled for the late payment of said amounts. In all other respects, the judgment is affirmed. Defendants shall recover their costs on appeal. On remand, the trial court shall, in accordance with the views expressed herein, determine an award of reasonable attorney's fees to defendants for their successful defense of the appeal, as Superior's limited success on prejudgment interest does not alter the trial court's prevailing party determination.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (continued)

B201159 Negrete (Not for Publication)
 v.
 Varela

The judgment is affirmed. Varela is entitled to recover his costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B206935 Watkins (Not for Publication)
 v.
 Compton Unified School District

The appeal taken from the summary judgment is dismissed. Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B208557 People (Not for Publication)
 v.
 Oscar Quintanilla

The order denying the motion to vacate Quintanilla's guilty plea is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

April 16, 2009 (Continued)

DIVISION THREE (continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B206198 People (Not for Publication)
v.
Tommy David Boyden

The judgment is affirmed as modified to stay the terms imposed on counts 6 and 7 and is remanded for sentencing on count 2.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B201488 People (Not for Publication)
v.
Gonzalo Ibarra Pellegrin

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

April 16, 2009 (Continued)

DIVISION THREE continued)

B208094 People (Not for Publication)
v.
Richard D. Campbell

The judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B199982 Watkins, et al. (Certified for Publication)
v.
Wachovia Corporation, et al.

The judgment against Brown is affirmed. The appeal of Watkins is dismissed. Wachovia shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B207875 Martinez, et al. (Not for Publication)
v.
Konialian, et al.

The appeal is dismissed. Defendants shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

April 16, 2009 (Continued)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B201072 People v. Ulloa
B204510 People v. Zaldivar
B214102 M.O. v. SCLA (DCFS)

Argument waived, cause submitted.

B207660 Bontempo
 v.
 Workers Compensation Appeals Board

Merits:
Argued by Gold D. Lee for petitioner. Respondent waived oral argument.
Cause submitted.

B208169 Silver
 v.
 Department of Motor Vehicles

Merits:
Argued by Julie Berkus for appellant and by Dana T. Cartozian, deputy attorney general, for respondent. Cause submitted.

B207898 Garcia
 v.
 City of Long Beach

Merits:
Argued by Cristyl Meyers for appellant and by James E. Trott for respondent. Cause submitted.

DIVISION FOUR (continued)

B210073 Muraoka
 v.
 Workers Compensation Appeals Board

Merits:
Argued by Raul Granados for petitioner and by Robert M. Unruh for respondent. Cause submitted.

B207305 Smith
 v.
 Shewry, et al.

Merits:
Argued by Gala E. Dunn, deputy attorney general, for appellants and by Stephen Crane for respondent. Cause submitted.

B208692 Simon
 v.
 Eroen, et al.

Merits:
Argued by Christie Gaumer for appellant and by Renee S. Konigsberg for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B209319 People v. Criddell
B208127 People v. Goopio

DIVISION FOUR (continued)

Each of the following (continued):

B205670 People v. Johnson
B210101 DCFS v. G.B., et al.
B211214 DCFS v. K.N.

Argument waived, cause submitted.

B202599 Barbarena, et al.
 v.
 Keyes Audi

Merits:
Argued by Timothy J. Donahue for appellants and by Gary S. Yates for respondent. Cause submitted.

B206363 People
 v.
 Alvarez

Merits:
Argued by Deborah Blanchard for appellant and by Stacy S. Schwartz, deputy attorney general, for respondent. Cause submitted.

B206785 Cain
 v.
 Ecoquest Holding Corporation, et al.

Merits:
Argued by Thomas Johnston for appellant and by Wendy S. Albers for respondents. Cause submitted.

DIVISION FOUR (continued)

B204221 RLLW, Inc., et al.
 v.
 Lindstrom

Merits:

Argued by Ronald M. St. Marie for appellants and by Robert L. Hill for respondent. Cause submitted.

B204688 Lockwood
 v.
 Sheppard, Mullin, Richter & Hampton

Merits:

Argued by Lee Crawford-Boyd for appellant and by Robert J. Stumpf, Jr. for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B209572 David Group Realty LLC (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur: Armstrong, J.
I concur: Mosk, J. (opinion)

DIVISION FIVE (continued)

B207572 Hyung Joo Kim (Not for Publication)
 v.
 Francesca's Collections of CA., Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B206368 People (Not for Publication)
 v.
 Tejada

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B208592 People (Not for Publication)
 v.
 F.U.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

April 16, 2009 (Continued)

DIVISION SIX (continued)

B204832 People v. Rodriguez (Not for Publication)

The appeal is dismissed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B211537 People (Not for Publication)
v.
Bumlanglag-Williamson

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B202979 People (Not for Publication)
v.
Spivey

The misdemeanor battery conviction is reversed. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

April 16, 2009 (Continued)

DIVISION SIX (continued)

B202606 Barrette (Not for Publication)
v.
Costco Wholesale Corporation

The judgment is affirmed. The parties shall bear their own costs on appeal.

Yegan, Acting P.J.

I concur: Coffee, J.
I dissent: Perren, J. (Opinion)

B208705 In re Miguel Molina (Not for Publication)
on
Habeas Corpus

The judgment is affirmed. We remand to the superior court. The superior court shall in turn remand to the Board with instructions to release Molina on parole in accordance with conditions set by the Board. The supersedeas stay order is vacated.

Gilbert, P.J.

I concur: Perren, J.
I dissent: Yegan, J. (Opinion)

B210566 Santa Barbara County Child Welfare Services (Not for Publication)
v.
S.S.,

The judgment (order) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

April 16, 2009 (Continued)

DIVISION SIX (continued)

B210884 World Financial Group, Inc., (Certified for Publication)
 v.
 HBW Insurance & Financial Services, INC., et al

The order denying defendants' motion to strike the complaint pursuant to section 425.16 is affirmed. WFG shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B212274 M.L.,
 v.
 Superior Court of the County of Ventura
 Human Services Agency

Filed order denying petition for rehearing.

B204830 Franke (Certified for Publication)
 v.
 BAM Building Co.

Filed order modifying opinion. Appellants' and respondent's petitions for rehearing are denied. (No change in the judgment)

DIVISION SEVEN

B208721 People (Not for Publication)
 v.
 Martinez

The judgment is affirmed.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B213779 Felix O., (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles Co. Dept. of Children & Family Services, r.p.i.)

The petition is denied on the merits.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B205744 People (Not for Publication)
v.
Campbell

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

April 16, 2009 (Continued)

DIVISION SEVEN (continued)

B211655 Parvizian
v.
California State Personnel Board

Filed order denying petition for rehearing.

DIVISION EIGHT

B210095 People (Not for Publication)
v.
Mathieu

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

B204815 People (Not for Publication)
v.
Palacios

The abstract of judgment and the minute order of the plea proceedings on October 12, 2007, shall both be corrected to show that the offense in count 1 is a violation of section 182, subdivision (a), conspiracy to commit a violation of section 245, subdivision (a)(2). The corrected documents shall be forwarded to the Department of Corrections and Rehabilitation. In all other aspects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

April 16, 2009 (Continued)

DIVISION EIGHT (continued)

[illegible]

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

B209763 People (Not for Publication)
v.
Dowdell

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

[illegible]

The cause is remanded to the trial court. The clerk of the superior court is directed to prepare and forward to the parties and the Department of Corrections an amended abstract of judgment showing that Felix's sentence on count 3 (assault with a firearm on Martin Gomez) is stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed.

O'Neill, J. (Assigned)

We concur: Rubin, Acting P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B207405 David Mintz et al., (Certified for Publication)
 v.
 Blue Cross Of California, Inc., et al.,

The March 27, 2008 order of dismissal is reversed, and the cause is remanded to the trial court with directions to vacate its minute order of February 26, 2008, to the extent the order sustained Blue Cross's demurrer to the negligence cause of action. The appellants shall recover their costs on appeal.

O'Neill, J. (Assigned)

We concur: Rubin, Acting P.J.
 Flier, J.

B205533 Innovative Artists Talent & Literary Agency, Inc.,
 v.
 Michael McConnell

Filed order denying petition for rehearing.

B199241 Linda Newman
 v.
 Alexander and Monica Niella

Filed order denying petition for rehearing.